



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR - 9 2007

Brett G. Kappel, Esq.
Vorys, Sater, Seymour and Pease LLP
1828 L Street, Northwest
Eleventh Floor
Washington, DC 20036-5109

RE: MUR 5749
Sean McDonald

Dear Mr. Kappel:

On May 19, 2006, the Federal Election Commission notified your client, Sean McDonald, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your client at that time.

On February 21, 2007, the Commission found, on the basis of the information in the complaint, and information supplied by your clients, that there is no reason to believe Sean McDonald violated 2 U.S.C. § 441a(a)(1)(A). The Commission also decided to take no other action at this time concerning your client. The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open. The Commission will notify you when the entire file has been closed.

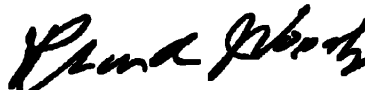
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If you have any questions, please contact J. Cameron Thurber, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan
Acting General Counsel



BY: Rhonda J. Vosdingh
Associate General Counsel
for Enforcement

Enclosure
Factual and Legal Analysis for Sean McDonald

29044235051

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENT: Sean McDonald**

MUR: 5749

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8 **I. INTRODUCTION**

9 This matter was generated by a complaint filed with the Federal Election Commission
10 ("Commission") by the Center for Responsibility and Ethics in Washington. See 2 U.S.C.
11 § 437g(a)(1). For the reasons set forth below, the Commission finds no reason to believe that
12 Sean McDonald violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to
13 Santorum 2006.

14 **II. DISCUSSION**

15 **A. Facts**

16 On July 7, 2004, Sean McDonald gave a \$2,000 contribution to GSP Consulting
17 Corporation PAC ("GSP PAC") that was earmarked for Santorum 2006. See GSP PAC's 2004
18 October Quarterly Report. The 2004 October Quarterly Report for Santorum 2006 shows a
19 \$2,000 contribution received from McDonald on August 4, 2004. The complaint alleges these
20 reports show McDonald made two contributions, for a total of \$4,000, to Santorum 2006 for the
21 primary election. The Joint Response filed by GSP PAC and others states that there was actually
22 only one contribution of \$2,000 earmarked to Santorum 2006 that flowed through GSP PAC and
23 that was reported by both GSP PAC and Santorum 2006, reflecting "both ends of the same
24 transaction." Joint Response at 13.

B. Analysis

The contribution limit for the 2003-2004 election cycle was \$2,000 per election. 2 U.S.C. § 441a(a)(1)(A). Commission records confirm that McDonald made only one \$2,000 contribution to Santorum 2006 in 2004.¹ Therefore, there is no reason to believe that Sean McDonald violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Santorum 2006.

¹ McDonald made the contribution on July 7, 2004, but it was not reported as received by Santorum 2006 until August 4, 2004. While GSP PAC was required to forward the earmarked contribution within ten days, the memorandum entry attached to the 2004 October Quarterly Report shows it was "forwarded in the form of original check on 7/12/2004." This indicates the delay in delivery of the contribution likely occurred in transit.